

Memorandum

SDR:DH
90-7-1-21

US EPA RECORDS CENTER REGION 5



514129



Subject Status Conference on Reilly Tar
case

Date March 9, 1983

To Paul Bitter, EPA Region V
Erica Dolgin, DOJ
Barbara Elkus, EPA HQ
Michael Kosakowski, EPA HQ
Robert Leininger, EPA Region V
Jean Parker, EPA HQ
Deborah Woitte, EPA HQ

From David Hird *DH*
Attorney
Environmental Enforcement

As can be seen from the attached order, the magistrate has scheduled a pretrial conference for March 29. At that status conference, the magistrate will expect a report on the status of the case and on projected future action. It is highly probable that the magistrate will set a trial date. The magistrate has already ordered us to provide before the conference a proposed discovery cut off date, a list of witnesses, including expert witnessess, and a summary of our case. In order to respond to the court's order, we will need to know what time our expert witnesses both on liability and remedy will have completed their work. I suggest that all of us give serious thought to these questions. Bob Leininger and I will be in Indianapolis from March 6-11, taking depositions in this case. When we return, we shall talk to each of you to prepare a response to the magistrate's order.

cc: Carol L. Green
Frank Biros
Fred Steele

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Fourth DIVISION
Civil No. 4-80-469

Dolgin

U.S.A.
State of Minnesota,
City of St. Louis Park
City of Hopkins
Plaintiff(s)
Intervenors
v.
Silly Tar & Chemical Corp.
Housing & Redevelopment of SLP
Oak Park Village Associates
Austic Oaks Condominium, Inc.
Philip's Investment Co.
Defendant(s)

Francis X. Hermann, Esq.
Assistant U.S. Attorney
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Environmental Enforcement
Land & Natural Resources Div.
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NOTICE OF PRETRIAL CONFERENCE

A pretrial conference in the above-entitled matter on a case assigned to Judge
Magnuson for trial, will be held on March 29, 198³ at 2:00 pm,
Room 572, United States Courthouse, Minneapolis, MN before the undersigned United States
Magistrate.

Counsel who will try the case will be present at the pretrial hearing. At least
three days prior to the pretrial hearing counsel shall submit a complete written statement
of the case DIRECTLY TO THE MAGISTRATE and serve a copy on opposing counsel, including to
the extent possible, the following information.

1. Name, address and occupation of the client;
2. Name of insurance carriers involved;
3. Names and addresses of all witnesses known to attorney or client
who may be called at trial by the party, including expert witnesses;
4. A concise statement of the party's version of the facts of the case;
5. All items of claimed negligence, contributory negligence, assumption
of risk, or other affirmative claims of defenses, giving claimed
statutory violations by statute number;
6. A list of all exhibits to be offered at the trial;
7. Amendments to the pleadings;
8. Discovery procedures necessary for trial:
 - a. List of discovery completed to date;
 - b. List of discovery to be completed;
 - c. Date when all discovery will be completed;
9. Estimated trial time.

Consideration will be given to settlement, stipulations, as to admissibility of
exhibits and to other matters suggested by court and counsel.

If you have any questions, contact the office of the undersigned U.S. Magistrate
at 349-3370.

Dated: March 1, 1983

Floyd E. Boline
FLOYD E. BOLINE, U.S. Magistrate

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

STANDING ORDER RE MOTION PRACTICE
BEFORE MAGISTRATE FLOYD E. BOLINE

To assist the court and counsel in achieving a just, speedy, and inexpensive determination of every action, in all matters pending before the undersigned,

IT IS ORDERED that:

1. All motions shall be scheduled by contacting my secretary:

Ms. Mary Jo Haiar, Secretary
United States District Court
570 United States Courthouse
Minneapolis, Minnesota 55401
Telephone: (612) 349-3370

2. All original motion papers, together with supporting affidavits or exhibits, must be filed with the Clerk's Office and RECEIVED by opposing counsel and the Court no later than fourteen (14) days preceding the date on which the motion will be heard.

A memorandum of the specific points or propositions of law, along with the authorities in support thereof, shall be filed with the undersigned, in duplicate, along with a copy of the notice of motion and motion.

3. Any party opposing a motion shall furnish to the Court two (2) copies of a memorandum of specific points or propositions of law, along with the authorities in support thereof, relied upon in opposition to the motion. Such statement shall be RECEIVED by opposing counsel and the Court at least seven (7) days preceding the date on which the motion shall be heard.

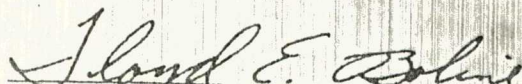
4. In the event a party fails to timely file and deliver a memorandum of points and authorities, in duplicate as required, the Court may strike the hearing from its motion calendar, continue the hearing, refuse to permit oral argument by the party not filing the required statement, consider the matter submitted without oral argument, allow reasonable attorneys fees, or proceed in such other manner as the Court deems appropriate.

5. No motions will be heard unless the moving party certifies in its moving papers that they have met with opposing counsel, pursuant to Local Rule 4(c), and have attempted to resolve their differences.

6. Where the motion involves interrogatories or document requests the motion shall set forth each particular interrogatory or document request, the response thereto, and the alleged deficiency of the response. Where the motion is to compel answers to questions propounded at a deposition, the motion shall set forth the particular questions in issue along with the answer given or the objection made thereto.

7. This Order supplements Local Rule 4.

Dated: October 19, 1982.


FLOYD E. BOLINE, U.S. MAGISTRATE